

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1480, L.D. 2079, Bill, "An Act to Amend the Definition of Design Professional"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Role of Design Professionals under the Maine Human Rights Act'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA §4594-F, sub-§1, ¶C, as enacted by PL 1995, c. 393, §27, is repealed.

Sec. 2. 5 MRSA §4594-F, sub-§§6 and 7, as enacted by PL 1995, c. 393, §27, are amended to read:

6. Barrier-free certification; inspection. The If the costs of construction or alterations are at least \$50,000, the builder of a facility to which this section applies must obtain a certification from a design professional an architect, professional engineer, certified interior designer or landscape architect who is licensed, certified or registered to practice under Title 32 and is practicing within the scope of that individual's profession that the plans meet the standards of construction required by this section if the costs of the construction or alterations are at least \$50,000. The builder shall provide the certification to the Office of the State Fire Marshal with the plans of the facility. The builder shall also provide the certification to the municipality where the facility

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exists or will be built. Nothing in this section may be construed to change the scope of practice of any individual licensed, certified or registered to practice under Title 32.

7. Training, education and assistance. The commission and the Office of the State Fire Marshal, with input from organizations representing individuals with disabilities, shall develop, as necessary, information packets, lectures, seminars and educational forums on barrier-free design for the purpose of increasing the awareness and knowledge of owners, architects, design-professionals professional engineers, certified interior designers, landscape architects, code enforcers, building contractors, individuals with disabilities and other interested parties.

Sec. 3. 5 MRSA §4594-F, sub-§8, ¶B, as enacted by PL 1995, c. 393, §27, is amended to read:

B. The municipal authority having jurisdiction to issue building permits may not issue a building permit unless the Office of the State Fire Marshal approves the plans and certifies that the public building covered by this subsection meets the standards of construction required by this section. ~~If, however,~~ no decision is rendered within 2 weeks of submission to the Office of the State Fire Marshal, the builder may submit the building permit request directly to the municipality with an attestation from ~~the design professional~~ an architect or professional engineer licensed or registered to practice under Title 32 that the plans meet the standards of construction.

Sec. 4. 5 MRSA §4594-F, sub-§9, as enacted by PL 1995, c. 393, §27, is amended to read:

9. Voluntary plan review. Builders of facilities not governed by subsection 8 may submit plans to the Office of the State Fire Marshal to ensure that the plans meet the standards of construction required by subsections 3 and 4. Certification for a voluntary plan review may be provided by an architect, professional engineer, certified interior designer or landscape architect licensed, certified or registered to practice under Title 32 and practicing within the scope of that individual's profession.'

SUMMARY

This amendment replaces the bill. It deletes the definition of "design professional" and replaces the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape

2 architect as appropriate. The amendment clarifies, as did the
original bill, that each of these professionals must be licensed,
4 certified or registered under the Maine Revised Statutes, Title
32 and practicing within the scope of that individual's
6 profession in order to certify that a plan is in compliance with
accessibility requirements. The amendment makes clear that
8 services of an architect or professional engineer are still
required for all mandatory plan review.

10 The purpose of this amendment remains that of the bill: to
eliminate an inconsistency between Title 32 and Title 5 so that
12 the maximum number of qualified professionals is available to
certify compliance with accessibility standards.

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